

**ASSEMBLY BILL**

**No. 1479**

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**Introduced by Assembly Member Chu**

February 21, 2003

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An act to amend Sections 11205 and 11214 of, and to repeal and add Section 11205.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1479, as introduced, Chu. Vehicles: traffic violator schools.

(1) Under existing law, when a court orders a person to complete a traffic violator school, as specified, the court is required to use either a current referral list of traffic violator schools published by the Department of Motor Vehicles or a statewide referral list published by a nonprofit agency with whom the court contracts for traffic violator school administration and monitoring services. Existing law requires an agency that contracts with a court to provide those services to monitor each traffic violator school classroom location situated within the judicial districts in which the agency provides services to the courts and represented on the court's referral list. Existing law requires the agency to forward related reports, monthly, to the Department of Motor Vehicles and the courts.

Existing law permits a court to charge a traffic violator a fee to defray the costs incurred by the agency for the reports and services it provides.

This bill would require the court to use only the referral list of traffic violator schools published by the department. The bill would prohibit a nonprofit agency from monitoring traffic violator schools and would instead permit a court to use or contract with a nonprofit agency to assist the court in performing in-court administrative services, as defined, related to the processing of traffic violators. The bill would prohibit the

nonprofit agency from performing or duplicating any service or function of the department, related to traffic violator schools, and from issuing certificates of completion or providing testing services for a licensed traffic violator school.

The bill would permit a court to charge and collect a fee from the traffic violator to defray the costs of the agency for providing in-court administrative services.

(2) Existing law permits the department to monitor any school for traffic violators.

This bill, instead, would grant the department exclusive authority to monitor licensed traffic violator schools and would enumerate examples of monitoring function. The bill would require the department to provide resources and staff to monitor traffic violator schools, as specified.

(3) The bill would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11205 of the Vehicle Code, as amended  
2 by Section 455.5 of Chapter 931 of the Statutes of 1998, is  
3 amended to read:

4 11205. (a) The department shall publish a traffic violator  
5 school referral list of all the approved locations of traffic violator  
6 school classes, by school name, to be transmitted to each ~~municipal~~  
7 ~~court in the state, and to each superior court in a county in which~~  
8 ~~there is no municipal court~~ *state trial court*, in sufficient quantity  
9 to allow the courts to provide a copy to each person referred to  
10 traffic violator school. The list shall be revised at least twice  
11 annually and transmitted to the courts by the first day of January  
12 and the first day of July. It shall include all of the following:

13 (1) The name of each traffic violator school or, pursuant to  
14 subdivision (d), the general term “traffic violator school”  
15 followed by its traffic violator school license number.

16 (2) A phone number used for student information.

17 (3) The county and the judicial district.

18 (4) The cities where classes are available.

19 (b) Each traffic violator school owner shall be permitted one  
20 school name in a judicial district.



1 (c) The list shall be organized alphabetically in sections for  
2 each county and subsections for each judicial district within the  
3 county. The order of the names within each judicial district shall  
4 be random pursuant to a drawing or lottery conducted by the  
5 department.

6 (d) On the list prepared by the department under subdivision  
7 (c), each traffic violator school shall appear by name unless a court  
8 determines, pursuant to subdivision (e), that a name is  
9 inappropriate and directs the department to delete the name and  
10 instead list the school by the term “traffic violator school”  
11 followed by its license number. The deletion of the name of a  
12 school from the list for a judicial district shall not affect whether  
13 that school appears by name on the list for any other judicial  
14 district within the state. In making a determination under this  
15 subdivision regarding the deletion of a name from the list, the court  
16 shall use as its criteria whether the name is misleading to the  
17 public, undignified, or implies that the school offers inducements  
18 or premiums which derogate or distort the instructional intent of  
19 the traffic safety program.

20 (e) When the department transmits any referral list pursuant to  
21 subdivision (a), each court shall do all of the following:

22 (1) Within 30 days of receipt of the list, notify the school owner  
23 of any school name that the court intends to remove from the  
24 referral list.

25 (2) Within 60 days of receipt of the list, make every effort to  
26 schedule, conduct, and complete a hearing for the school owner,  
27 or a representative, if requested, at which the sole issue shall be  
28 whether the name violates the standards set forth in subdivision  
29 (d). A substitute name may be submitted to the court at the  
30 conclusion of the hearing, pursuant to subdivision (h).

31 (3) Within 10 days of the completion of that hearing, notify the  
32 department and school owner of any school names it intends to  
33 remove from the referral list.

34 (f) In order for a court action to delete a school name from the  
35 next referral list published by the department, the department shall  
36 receive court notification no later than 90 days prior to publication  
37 of the next referral list and, absent a direct order by the appellate  
38 division of the superior court or a court of higher jurisdiction, the  
39 department shall not fail to publish a referral list on the grounds  
40 that there exists pending litigation or appeals concerning the lists.

1 (g) Any court notifying the department of a school name it  
2 intends to remove from the list, pursuant to this section, shall  
3 provide the school owner with the name of the judge making those  
4 findings.

5 (h) When a court informs a school owner, pursuant to  
6 subdivision (e), of its decision to delete the name of a traffic  
7 violator school from that judicial district's subsection of the  
8 department's traffic violator school referral list, the owner may, on  
9 a form approved by the department, submit a substitute name to the  
10 court and request approval of that name. The court shall, within 30  
11 days of receipt of the request for approval of the substitute name,  
12 inform the department and the school owner, on a form approved  
13 by the department, of its approval or rejection of the substitute  
14 name. The school owner may continue this appeal process for  
15 approval of a substitute name until the court determines that the  
16 name does not violate the standard set forth in subdivision (d). A  
17 name approval in a judicial district shall not affect the school's  
18 name or listing in any other district in the state. The department  
19 shall not impose any fee or license requirement under this  
20 subdivision.

21 (i) If a court fails to act within 30 days on a request of a traffic  
22 violator school owner, pursuant to subdivision (h), the proposed  
23 substitute name shall be deemed approved by the court for the  
24 purposes of the traffic violator school referral list.

25 (j) (1) Every application filed with the department on and after  
26 June 1, 1991, for an original license by a traffic school owner or  
27 for approval to conduct classes in a judicial district not previously  
28 approved, shall be accompanied by the approval of the court in  
29 each judicial district proposed for those operations of the name of  
30 the school, on a form approved by the department for that purpose.  
31 For the approved name to be included in the traffic violator school  
32 referral list, the form shall be received by the department no later  
33 than 90 days prior to publication.

34 (2) When a court disapproves a school name pursuant to this  
35 subdivision, the court shall notify the school owner within 30 days  
36 of its disapproval and schedule a hearing for that school owner, or  
37 a representative, if requested, at which the sole issue shall be  
38 whether the name violates the standards set forth in subdivision  
39 (d). A substitute name may be submitted to the court at the  
40 conclusion of the hearing, pursuant to subdivision (h).



(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.

(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to each ~~municipal court in the state, and to each superior court in a county in which there is no municipal court~~ *state trial court*. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:

- (1) The name of each school, grouped by owner.
- (2) The business office address.
- (3) The business office telephone number.
- (4) The license number.
- (5) The owner's name.
- (6) The operator's name.

(l) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use ~~either the current list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location situated within the judicial districts in which that agency provides services to the courts and is represented on its referral list. The monitoring shall occur at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.~~

(m) ~~The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1996, the fee shall not exceed the~~

1 ~~actual cost incurred by the agency or five dollars (\$5), whichever~~  
2 ~~is less.~~

3 ~~(n)~~ If any provision of subdivision (d) or (e), as added by  
4 Section 4 of Assembly Bill 185 of the 1991–92 Regular Session,  
5 or the application thereof to any person, is held to be  
6 unconstitutional, this section is repealed on the date the decision  
7 of the court so holding becomes final.

8 SEC. 2. Section 11205 of the Vehicle Code, as amended by  
9 Section 456 of Chapter 931 of the Statutes of 1998, is amended to  
10 read:

11 11205. (a) The department shall publish semiannually, or  
12 more often as necessary to serve the purposes of this act, a list of  
13 all traffic violator schools which are licensed pursuant to this  
14 section. The list shall identify classroom facilities within a judicial  
15 district that are at a different location from a licensed school's  
16 principal facility. The department shall transmit the list to each  
17 ~~municipal court and to each superior court in a county in which~~  
18 ~~there is no municipal court~~ *state trial court*, with a sufficient  
19 number of copies to allow the courts to provide one copy to each  
20 person referred to a licensed traffic violator school. The  
21 department shall, at least semiannually, revise the list to ensure that  
22 each court has a current list of all licensed traffic violator schools.

23 (b) Each licensed traffic violator school owner shall be  
24 permitted one school name per judicial district.

25 (c) The referral list shall be organized alphabetically, in  
26 sections for each county, and contain subsections for each judicial  
27 district within the county. The order of the names within each  
28 judicial district shall be random pursuant to a drawing or lottery  
29 conducted by the department.

30 (d) Except as otherwise provided in subdivision (d) of Section  
31 42005, the court shall use ~~either~~ the current referral list of traffic  
32 violator schools published by the department when it orders a  
33 person to complete a traffic violator school pursuant to subdivision  
34 (a) or (b) of Section 42005 ~~or, when a court utilizing a nonprofit~~  
35 ~~agency for traffic violator school administration and monitoring~~  
36 ~~services in which all traffic violator schools licensed by the~~  
37 ~~department are allowed the opportunity to participate, a statewide~~  
38 ~~referral list may be published by the nonprofit agency and~~  
39 ~~distributed by the court. The agency shall monitor each classroom~~  
40 ~~location situated within the judicial districts in which that agency~~

1 provides services to the courts and is represented on its referral list.  
2 The monitoring shall occur at least once every 90 days with reports  
3 forwarded to the department and the respective courts on a  
4 monthly basis.

5 (e) The court may charge a traffic violator a fee to defray the  
6 costs incurred by the agency for the monitoring reports and  
7 services provided to the court. The court may delegate collection  
8 of the fee to the agency. Fees shall be approved and regulated by  
9 the court. Until December 31, 1996, the fee shall not exceed the  
10 actual cost incurred by the agency or five dollars (\$5), whichever  
11 is less.

12 (f) If any provision of subdivision (d) or (e) of Section 11205,  
13 as added by Section 4 of Assembly Bill 185 of the 1991-92  
14 Regular Session, or the application thereof to any person, is held  
15 to be unconstitutional, that Section 11205 is repealed on the date  
16 the decision of the court so holding becomes final, and on that date,  
17 this section shall become operative.

18 SEC. 3. Section 11205.1 of the Vehicle Code is repealed.

19 ~~11205.1. The fee authorized in subdivision (m) of Section~~  
20 ~~11205 shall be applicable only in those instances where a traffic~~  
21 ~~violator has agreed to attend or has been ordered to attend a traffic~~  
22 ~~violator school pursuant to Section 42005, a licensed driving~~  
23 ~~school, or any other court approved program for driving~~  
24 ~~instruction.~~

25 SEC. 4. Section 11205.1 is added to the Vehicle Code, to read:

26 11205.1. (a) A court may use or contract with a public or  
27 private nonprofit agency to assist the court in performing in-court  
28 administrative services related to the processing of traffic  
29 violators. A process of competitive negotiations shall be used to  
30 select any public or private nonprofit agency or entity utilized by  
31 a court to assist in performing these in-court administrative  
32 services. As used in this section, "in-court administrative  
33 services" includes those administrative clerical services relating  
34 to the processing of traffic violators at, and for, the court, and does  
35 not include any services or functions performed by the department,  
36 for which the department has responsibility, or over which the  
37 department has regulatory power.

38 (b) In providing its in-court administrative services to a court,  
39 a public or private nonprofit agency used by the court may not  
40 perform or duplicate any service or function of approval,



1 licensing, auditing, monitoring, investigating, imposition of  
2 sanctions, regulating, printing of referral, owner, and operator  
3 lists, or any other service or function of the department set forth  
4 in this chapter, or the department's regulations, related to traffic  
5 violator schools. A public or private nonprofit agency utilized by  
6 a court may not issue certificates of completion or provide testing  
7 services for a licensed traffic violator school.

8 (c) The court may charge the traffic violator a fee to defray the  
9 costs incurred by the agency to provide the in-court administrative  
10 services to the court. Fees shall be established, approved, and  
11 regulated by the court. If a fee is imposed, it shall be collected by  
12 the court from the traffic violator. The court may delegate  
13 collection of the fee to the agency. Any fee authorized by this  
14 subdivision shall be applicable only in those cases where a traffic  
15 violator has agreed to attend or has been ordered to attend a course  
16 of traffic safety instruction pursuant to Section 42005. The fee  
17 shall not apply to those nonviolation persons who elect to attend a  
18 traffic violator school pursuant to Section 11200.

19 (d) This section does not prevent a court from entering into a  
20 contract with public or private nonprofit agencies to provide  
21 administrative services to a court other than those described in  
22 subdivision (a), if these services do not conflict with the other  
23 limitations set forth in this chapter.

24 SEC. 5. Section 11214 of the Vehicle Code is amended to  
25 read:

26 11214. The department ~~may monitor any school for traffic~~  
27 ~~violators, including any traffic violator school branch or~~  
28 ~~classroom location, without advance notice shall have the~~  
29 ~~exclusive authority to monitor all licensed traffic violator schools.~~  
30 The monitoring ~~may include~~ *includes*, but is not limited to, ~~the~~  
31 ~~instruction provided, business practices, and business records~~  
32 *auditing the business records of a licensee, monitoring the traffic*  
33 *safety instruction provided by a licensee, and inspecting the*  
34 *facilities, programs, and business practices of a licensee. The*  
35 *department may annually audit the class records of a licensee. To*  
36 *the extent funding is available, the department shall endeavor to*  
37 *monitor one traffic safety class of a licensee at least once every 60*  
38 *days in each county in which a licensee provides traffic safety*  
39 *instruction. The department's monitoring of a licensee's course of*  
40 *traffic safety instruction may be conducted without advance notice*



1 *to the licensee. The department shall provide the resources and*  
2 *staffing for these monitoring functions that are commensurate with*  
3 *the revenues generated by the fees collected by the department*  
4 *pursuant to Section 11208.*

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